

ESTTA Tracking number: **ESTTA630057**

Filing date: **09/30/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Evonik Degussa GmbH
Granted to Date of previous extension	10/01/2014
Address	Rellinghauser Strasse 1-11 Essen, 45128 GERMANY
Attorney information	Scott D. Woldow Smith, Gambrell & Russell, LLP 1055 Thomas Jefferson St. NW, Suite 400 Washington, DC 20007 UNITED STATES swoldow@sgrlaw.com Phone:202-263-4300

Applicant Information

Application No	86124715	Publication date	06/03/2014
Opposition Filing Date	09/30/2014	Opposition Period Ends	10/01/2014
Applicant	Jios Aerogel Limited Shun Tak Centre, West Tower, Room 3603 Sheung Wang, HONG KONG		

Goods/Services Affected by Opposition

Class 001. First Use: 2013/07/01 First Use In Commerce: 2013/07/01
All goods and services in the class are opposed, namely: Chemical preparations, namely, aerogel powder for use in insulation, waterproofing, fire protection and construction materials for use in industry

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	820944	Application Date	03/18/1966
Registration Date	12/27/1966	Foreign Priority Date	NONE
Word Mark	AEROSIL		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 017. First use: First Use: 1943/00/00 First Use In Commerce: 1965/07/00 FINELY DIVIDED SILICA SUITABLE FOR USE AS A FILLER FOR RUBBER AND PLASTICS, AS A THICKING AGENT FOR PHARMACEUTICALS, COSMETICS, PAINTS, AND INKS, AND FOR GENERAL USE IN THE INDUSTRIAL ARTS

U.S. Registration No.	2821000	Application Date	04/11/2003
Registration Date	03/09/2004	Foreign Priority Date	NONE

Word Mark	NIPPON AEROSIL
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 001. First use: First Use: 0 First Use In Commerce: 0 CHEMICALS USED IN INDUSTRY, SCIENCE AND PHOTOGRAPHY, AS WELL AS IN AGRICULTURE, HORTICULTURE AND FORESTRY, PARTICULARLY SILICIC ACIDS AND SILICA
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U.S. Registration No.	2904384	Application Date	08/06/2003
Registration Date	11/23/2004	Foreign Priority Date	NONE

Word Mark	AEROXIDE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 001. First use: First Use: 0 First Use In Commerce: 0 Chemicals for use in the manufacture of a wide variety of goods; chemicals, namely, metal oxides and metalloid oxides, namely, oxides as alumina, cerium
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	<p>oxides,indium tin oxide, selene oxide, silica,titanium oxide, zink oxide, zirconia and mixtures thereof for use in the science, chemical, photography, agriculture, horticulture and forestry industries and as filler for plastics and rubber; catalysts and catalyst supports for use in the manufacture of industrial chemicals and in the oil processing industry</p> <p>Class 002. First use: First Use: 0 First Use In Commerce: 0</p> <p>Paint for interior and exterior use; varnish; lacquers in the nature of a coating; rust preservatives in the nature of a coating; wood preservatives; colorantsfor use in the manufacture of concrete,metal, wood, glass, ceramics and plastics; road marking paints; pigment pastes and dispersions; mordants for use in metal and electronic industry; colorants for use in the manufacture of printing inks</p> <p>Class 003. First use: First Use: 0 First Use In Commerce: 0</p> <p>General purpose cleaning; polishing, scouring and abrasive liquid and powders</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0</p> <p>Providing of business information in the Internet</p>
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Attachments	<p>76506321#TMSN.png(bytes)</p> <p>76537106#TMSN.png(bytes)</p> <p>TRADEMARK 1.PDF(626204 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/SW/
Name	Scott D. Woldow
Date	09/30/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 86/124715
Published: June 3, 2014

Evonik Degussa GmbH)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Jios Aerogel Limited)	
)	
Applicant.)	

Commissioner for Trademarks
Box TTAB FEE
P.O. Box 1451
Alexandria, Virginia 22313-1451

Madam:

NOTICE OF OPPOSITION

In the matter of the application of Jios Aerogel Limited, for registration of the mark AeroVa, filed on November 20, 2013, application Serial No. 86/124715, published in the Official Gazette on June 3, 2014, Evonik Degussa GmbH believes that it will be damaged by registration of the mark shown in Serial No. 86/124715, and hereby opposes registration.

Evonik Degussa GmbH (hereinafter “Opposer” or “Registrant”), a Limited Liability Company of Germany, having offices located at Rellinghauser Strasse 1-11, 45128, Essen, Germany, believes that it will be damaged by registration of the mark AeroVa, Application Serial No. 86/124715 and hereby opposes the same.

The grounds for opposition are as follows.

1. Opposer is now and has been engaged in the specialty chemical business.
2. Opposer manufactures silicic acid and silica for use in a wide variety of fields.
3. Opposer manufactures chemicals for use in the insulation, waterproofing, fire protection and construction industries.
4. Opposer manufactures goods under the AEROSIL mark for insulating, waterproofing, fire protection, and construction purposes.
5. Opposer manufactures chemicals under the AEROXIDE mark for use in the manufacture of a wide variety of goods.
6. Opposer is the owner of United States Registration No. 820,944, for the mark AEROSIL which registered on December 27, 1966, in association with “FINELY DIVIDED SILICA SUITABLE FOR USE AS A FILLER FOR RUBBER AND PLASTICS, AS A THICKING AGENT FOR PHARMACEUTICALS, COSMETICS, PAINTS, AND INKS, AND FOR GENERAL USE IN THE INDUSTRIAL ARTS.”
7. Opposer is now and has been using the AEROSIL mark in United States commerce.
8. Opposer’s ownership of United States Trademark Reg. No. 820,944 has been valid and continuous and has not been abandoned.
9. United States Trademark Registration No. 820,944 is incontestable.

10. Opposer is the owner of United States Registration No. 2,821,000, for the mark NIPPON AEROSIL & Design which registered on March 9, 2004, in association with “CHEMICALS USED IN INDUSTRY, SCIENCE AND PHOTOGRAPHY, AS WELL AS IN AGRICULTURE, HORTICULTURE AND FORESTRY, PARTICULARLY SILICIC ACIDS AND SILICA.”

11. Opposer is now and has been using the NIPPON AEROSIL & Design mark in United States commerce.

12. Opposer’s ownership of United States Trademark Reg. No. 2,821,000 has been valid and continuous and has not been abandoned.

13. United States Trademark Registration No. 2,821,000 is incontestable.

14. Opposer’s mark is symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising, promotion and sales of products thereunder.

15. Opposer is the owner of United States Registration No. 2,904,384, for the mark AEROXIDE which registered on November 23, 2004, in association with “chemicals for use in the manufacture of a wide variety of goods; chemicals, namely, metal oxides and metaloid oxides, namely, oxides as alumina, cerium oxides, indium tin oxide, selen oxide, silica, titanium oxide, zink oxide, zirconia and mixtures thereof for use in the science, chemical, photography, agriculture, horticulture and forestry industries and as filler for plastics and rubber; catalysts and catalyst supports for use in the manufacture of industrial chemicals and in the oil processing industry,” in Class 1; “paint for interior and exterior use; varnish; lacquers in the nature of a coating; rust preservatives in the nature of a coating; wood preservatives; colorants for use in the

manufacture of concrete, metal, wood, glass, ceramics and plastics; road marking paints; pigment pastes and dispersions; mordants for use in metal and electronic industry; colorants for use in the manufacture of printing inks,” in Class 2; “general purpose cleaning; polishing, scouring and abrasive liquid and powders,” in Class 3; “providing of business information in the Internet,” in Class 35.

16. Opposer is now and has been using the AEROXIDE mark in United States commerce.

17. Opposer’s ownership of United States Trademark Reg. No. 2,904,384 has been valid and continuous and has not been abandoned.

18. United States Trademark Registration No. 2,904,384 is incontestable.

19. Notwithstanding Opposer’s rights in and to its trademarks, Applicant on November 20, 2013, filed an application for registration of the mark AeroVa.

20. The AeroVa mark was approved for publication in association with, “chemical preparations, namely, aerogel powder for use in insulation, waterproofing, fire protection and construction materials for use in industry,” in Class 1.

21. The application was assigned Serial No. 86/124715 and was published for opposition in the Official Gazette on June 3, 2014.

22. Applicant’s mark AeroVa, when used in connection with the goods set forth in its application, is confusingly similar to Opposer’s use of its marks, as set forth and protected by Opposer’s above-identified registrations.

23. Purchasers of Applicant’s goods and Opposer’s goods are likely to be confused, mistaken or deceived as to the source of the goods. Applicant’s mark, in association with the

products identified in the trademark application, is likely to cause confusion, mistake or deception when compared to Opposer's marks.

24. Applicant's mark and Opposer's marks are highly similar.

25. Applicant's mark and Opposer's marks have a similar commercial impression.

26. Applicant's mark and Opposer's marks are similar in sound and appearance such that when used on highly similar goods there is a likelihood of confusion, mistake or deception.

27. Applicant's goods and Opposer's goods are highly similar so that there would be a likelihood of such confusion, mistake or deception.

28. Applicant's description of goods is broad in nature, potentially encompassing Opposer's descriptions of goods.

29. Applicant and Opposer use their respective marks in the same or similar fields of use thereby exacerbating the likelihood of confusion regarding the marks and the likelihood of confusion as to sponsorship or affiliation.

30. If Applicant is permitted to use and register its mark, for the goods specified in the application, confusion in the trade resulting in damage and injury to Opposer would be caused and would result by reason of the similarity between Applicant's mark and Opposer's marks.

31. Persons familiar with Opposer's marks would be likely to confuse Applicant's goods as a product made, sold, or sponsored by Opposer. Any such confusion in the trade would inevitably result in loss of sales to Opposer.

32. In addition to the harm identified in the preceding paragraphs, any defect, objection or fault found with Applicant's products marketed under the AeroVa mark would

necessarily reflect badly upon and significantly injure the reputation which Opposer has established for its products.

33. Current printouts of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of Opposer's Trademark Registrations are attached hereto as Exhibit A and are properly made part of the record.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's mark, and prays that registration be denied.

Please charge Deposit Account No. 02-4300 for any additional fees that may be required.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP



Scott D. Woldow
Attorney for Opposer
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Suite 400
Washington, DC 20036
Telephone: (202) 263-4300
Facsimile: (202) 263-4329
Email: swoldow@sgrlaw.com

EXHIBIT A


United States Patent and Trademark Office
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AEROXIDE

Word Mark	AEROXIDE
Goods and Services	<p>IC 001. US 001 005 006 010 026 046. G & S: Chemicals for use in the manufacture of a wide variety of goods; chemicals, namely, metal oxides and metaloid oxides, namely, oxides as alumina, cerium oxides, indium tin oxide, selen oxide, silica, titanium oxide, zink oxide, zirconia and mixtures thereof for use in the science, chemical, photography, agriculture, horticulture and forestry industries and as filler for plastics and rubber; catalysts and catalyst supports for use in the manufacture of industrial chemicals and in the oil processing industry</p> <p>IC 002. US 006 011 016. G & S: Paint for interior and exterior use; varnish; lacquers in the nature of a coating; rust preservatives in the nature of a coating; wood preservatives; colorants for use in the manufacture of concrete, metal, wood, glass, ceramics and plastics; road marking paints; pigment pastes and dispersions; mordants for use in metal and electronic industry; colorants for use in the manufacture of printing inks</p> <p>IC 003. US 001 004 006 050 051 052. G & S: General purpose cleaning; polishing, scouring and abrasive liquid and powders</p> <p>IC 035. US 100 101 102. G & S: Providing of business information in the Internet</p>
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76537106
Filing Date	August 6, 2003
Current Basis	44E
Original Filing Basis	44E
Published for Opposition	August 31, 2004
Registration Number	2904384
Registration Date	November 23, 2004
Owner	(REGISTRANT) Degussa AG JOINT STOCK COMPANY FED REP GERMANY Bennigsenplatz 1

40474 Duesseldorf FED REP GERMANY

(LAST LISTED OWNER) EVONIK DEGUSSA GMBH LIMITED LIABILITY COMPANY FED REP
GERMANY Rellinghauser Strasse 1-11 45128 Essen FED REP GERMANY

**Assignment
Recorded** ASSIGNMENT RECORDED

**Attorney of
Record** Thilo C. Agthe

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

**Live/Dead
Indicator** LIVE

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Mark: AEROXIDE

AEROXIDE

US Serial Number: 76537106 Application Filing Date: Aug. 06, 2003
US Registration Number: 2904384 Registration Date: Nov. 23, 2004
Register: Principal
Mark Type: Trademark, Service Mark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Dec. 10, 2010
Publication Date: Aug. 31, 2004

Mark Information

Mark Literal Elements: AEROXIDE
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Foreign Information

Foreign Registration Number: 30254856 Foreign Registration Date: Feb. 03, 2003
Foreign Application/Registration Country: GERMANY Foreign Expiration Date: Nov. 30, 2012

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *. * identify additional (new) wording in the goods/services.

For: Chemicals for use in the manufacture of a wide variety of goods; chemicals, namely, metal oxides and metaloid oxides, namely, oxides as alumina, cerium oxides, indium tin oxide, selen oxide, silica, titanium oxide, zink oxide, zirconia and mixtures thereof for use in the science, chemical, photography, agriculture, horticulture and forestry industries and as filler for plastics and rubber; catalysts and catalyst supports for use in the manufacture of industrial chemicals and in the oil processing industry

International Class(es): 001 - Primary Class

U.S Class(es): 001, 005, 006, 010, 026, 046

Class Status: ACTIVE

Basis: 44(e)

For: Paint for interior and exterior use; varnish; lacquers in the nature of a coating; rust preservatives in the nature of a coating; wood preservatives; colorants for use in the manufacture of concrete, metal, wood, glass, ceramics and plastics; road marking paints; pigment pastes and dispersions; mordants for use in metal and electronic industry; colorants for use in the manufacture of printing inks

International Class(es): 002 - Primary Class

U.S Class(es): 006, 011, 016

Class Status: ACTIVE

Basis: 44(e)

For: General purpose cleaning; polishing, scouring and abrasive liquid and powders

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 44(e)

For: Providing of business information in the Internet

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No Currently 44D: No Amended 44D: No
Filed 44E: Yes Currently 44E: Yes Amended 44E: No
Filed 66A: No Currently 66A: No
Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: EVONIK DEGUSSA GMBH
Owner Address: Rellinghauser Strasse 1-11
45128 Essen
GERMANY
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: GERMANY

Attorney/Correspondence Information

Attorney of Record
Attorney Name: Thilo C. Agthe Docket Number: 5152-277
Attorney Primary Email Address: trademarks@wg-law.com Attorney Email Yes
Authorized:
Correspondent
Correspondent Name/Address: Thilo C. Agthe
Wuersch & Gering LLP
100 Wall Street, 21st. Floor
New York, NEW YORK 10005
UNITED STATES
Phone: 212-509-5050 Fax: 212-509-9559
Correspondent e-mail: trademarks@wg-law.com Correspondent e-mail Yes
Authorized:
Domestic Representative
Domestic Representative Name: Smith, Gambrell & Russell, L.L.P. Phone: (202) 263-4300
Fax: (202) 263-4329

Prosecution History

Date	Description	Proceeding Number
Dec. 10, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Dec. 10, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Nov. 22, 2010	TEAS SECTION 8 & 15 RECEIVED	
Aug. 03, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 03, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 29, 2009	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 23, 2004	REGISTERED-PRINCIPAL REGISTER	
Aug. 31, 2004	PUBLISHED FOR OPPOSITION	
Aug. 11, 2004	NOTICE OF PUBLICATION	
May 28, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 21, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 21, 2004	PAPER RECEIVED	
Feb. 25, 2004	NON-FINAL ACTION MAILED	
Feb. 05, 2004	ASSIGNED TO EXAMINER	77301

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 106

Date in Location: Dec. 10, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: Degussa AG

Assignment 1 of 2

Conveyance: CHANGE OF ENTITY

Reel/Frame: 4031/0007

Pages: 7

Date Recorded: Jul. 24, 2009

Supporting Documents: [assignment-tm-4031-0007.pdf](#)

Assignor

Name: DEGUSSA AG

Execution Date: Jan. 02, 2007

Legal Entity Type: JOINT STOCK COMPANY

State or Country Where
Organized: GERMANY

Assignee

Name: DEGUSSA GMBH

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: GERMANY

Address: BENNIGSENPLATZ 1
40474 DUSSELDORF, GERMANY

Correspondent

Correspondent Name: CHRISTINA M. HILLSON, ESQ.

Correspondent Address: P.O. BOX 2207
WILMINGTON, DE 19899

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: 4031/0014

Pages: 7

Date Recorded: Jul. 24, 2009

Supporting Documents: [assignment-tm-4031-0014.pdf](#)

Assignor

Name: DEGUSSA GMBH

Execution Date: Sep. 12, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: GERMANY

Assignee

Name: EVONIK DEGUSSA GMBH

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: GERMANY

Address: BENNIGSENPLATZ 1
40474 DUSSELDORF, GERMANY

Correspondent

Correspondent Name: CHRISTINA M. HILLSON, ESQ.

Correspondent Address: P.O. BOX 2207
WILMINGTON, DE 19899

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91194585

Filing Date: Apr 22, 2010

Status: Terminated

Status Date: May 10, 2010

Interlocutory Attorney: FRANCES S WOLFSON

Defendant

Name: Edge Adhesives, Inc.

Correspondent Address: JAMES L. SAIKIN

TRADEMARK ADMINISTRATOR
5117 NORTHEAST PKWY
FORT WORTH TX , 76106-1822
UNITED STATES

Correspondent e-mail: rpearce@qso-inc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROTITE	Abandoned - After Inter-Partes Decision	<u>77862622</u>	
Plaintiff(s)			

Name: Evonik Degussa GmbH

Correspondent Address: SCOTT D. WOLDOW
SMITH, GAMBRELL & RUSSELL, LLP
1130 CONNECTICUT AVENUE NW,
WASHINGTON DC , 20036
UNITED STATES

Correspondent e-mail: sdwoldow@sgrlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AERODISP	Renewed	<u>76183715</u>	<u>2630404</u>
AEROPERL	Renewed	<u>75388799</u>	<u>2320137</u>
AEROXIDE	Section 8 and 15 - Accepted and Acknowledged	<u>76537106</u>	<u>2904384</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 22, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 22, 2010	Jun 01, 2010
3	PENDING, INSTITUTED	Apr 22, 2010	
4	WITHDRAWAL OF APPLICATION	May 06, 2010	
5	BOARD'S DECISION: SUSTAINED	May 10, 2010	
6	TERMINATED	May 10, 2010	



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Word Mark	NIPPON AEROSIL
Goods and Services	IC 001. US 001 005 006 010 026 046. G & S: CHEMICALS USED IN INDUSTRY, SCIENCE AND PHOTOGRAPHY, AS WELL AS IN AGRICULTURE, HORTICULTURE AND FORESTRY, PARTICULARLY SILICIC ACIDS AND SILICA
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.03.28 - Miscellaneous designs with overall oval shape, including amoeba-like shapes and irregular ovals; Oval shape (miscellaneous overall shape) 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
Serial Number	76506321
Filing Date	April 11, 2003
Current Basis	44E
Original Filing Basis	44E
Published for Opposition	December 16, 2003
Registration Number	2821000
Registration Date	March 9, 2004
Owner	(REGISTRANT) DEGUSSA AG JOINT STOCK COMPANY FED REP GERMANY Bennigsenplatz 1 40474 Dusseldorf FED REP GERMANY

(LAST LISTED OWNER) EVONIK DEGUSSA GMBH LIMITED LIABILITY COMPANY FED REP
GERMANY RELINGHAUSER STRASSE 1-11 ESSEN FED REP GERMANY 45128

**Assignment
Recorded** ASSIGNMENT RECORDED

**Attorney of
Record** Scott D. Woldow

**Description of
Mark** Color is not claimed as a feature of the mark.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20140328.

Renewal 1ST RENEWAL 20140328

**Live/Dead
Indicator** LIVE

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Mark: NIPPON AEROSIL



US Serial Number: 76506321
US Registration Number: 2821000
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Mar. 28, 2014
Publication Date: Dec. 16, 2003

Application Filing Date: Apr. 11, 2003
Registration Date: Mar. 09, 2004

Mark Information

Mark Literal Elements: NIPPON AEROSIL
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 26.03.28 - Miscellaneous designs with overall oval shape, including amoeba-like shapes and irregular ovals; Oval shape (miscellaneous overall shape)
26.17.09 - Curved line(s), band(s) or bar(s); Bars, curved; Lines, curved; Bands, curved

Foreign Information

Foreign Registration Number: 30262634
Foreign Registration Date: Feb. 24, 2003
Foreign Application/Registration Country: GERMANY
Foreign Expiration Date: Dec. 31, 2012

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: CHEMICALS USED IN INDUSTRY, SCIENCE AND PHOTOGRAPHY, AS WELL AS IN AGRICULTURE, HORTICULTURE AND FORESTRY, PARTICULARLY SILICIC ACIDS AND SILICA

International Class(es): 001 - Primary Class
U.S Class(es): 001, 005, 006, 010, 026, 046
Class Status: ACTIVE
Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: Yes	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: EVONIK DEGUSSA GMBH
Owner Address: RELINGHAUSER STRASSE 1-11
ESSEN 45128
GERMANY

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: GERMANY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Scott D. Woldow

Docket Number: 033686.195

Attorney Primary Email Address: swoldow@sgrlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Scott D. Woldow
Smith, Gambrell & Russell, LLP
1055 Thomas Jefferson St. NW, Suite 400
Washington, DISTRICT OF COLUMBIA 20036
UNITED STATES

Phone: 202-263-4300

Fax: 202-263-4329

Correspondent e-mail: swoldow@sgrlaw.com docketing@sgrlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Scott D. Woldow

Phone: 202-263-4300

Fax: 202-263-4329

Domestic Representative e-mail: swoldow@sgrlaw.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Mar. 28, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 28, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76533
Mar. 28, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76533
Mar. 10, 2014	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	76533
Mar. 28, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Mar. 10, 2014	TEAS SECTION 8 & 9 RECEIVED	
Mar. 26, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	71378
Mar. 26, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
Mar. 09, 2010	TEAS SECTION 8 & 15 RECEIVED	
May 14, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 09, 2004	REGISTERED-PRINCIPAL REGISTER	
Dec. 16, 2003	PUBLISHED FOR OPPOSITION	
Nov. 26, 2003	NOTICE OF PUBLICATION	
Sep. 27, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 16, 2003	ASSIGNED TO EXAMINER	74288

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Mar. 09, 2014

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Mar. 28, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: DEGUSSA AG

Assignment 1 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: 3772/0958

Pages: 3

Date Recorded: May 07, 2008

Supporting Documents: [assignment-tm-3772-0958.pdf](#)

Assignor

Name: DEGUSSA AG

Execution Date: Jan. 02, 2007

Legal Entity Type: JOINT STOCK COMPANY

State or Country Where
Organized: GERMANY

Assignee

Name: DEGUSSA GMBH

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: GERMANY

Address: BENNIGSENPLATZ 1
DUESSELDORF, GERMANY 40474

Correspondent

Correspondent Name: SCOTT WOLDOW

Correspondent Address: 1130 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

Domestic Representative

Domestic Representative
Name: SCOTT D. WOLDOW

Domestic Representative
Address: 1130 CONNECTICUT AVENUE, NW
SUITE 1130
WASHINGTON, DC 20036

Assignment 2 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: 3773/0841

Pages: 3

Date Recorded: May 08, 2008

Supporting Documents: [assignment-tm-3773-0841.pdf](#)

Assignor

Name: DEGUSSA GMBH

Execution Date: Sep. 12, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: GERMANY

Assignee

Name: EVONIK DEGUSSA GMBH

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: GERMANY

Address: RELLINGHAUSER STRASSE 1-11
ESSEN, GERMANY 45128

Correspondent

Correspondent Name: SCOTT WOLDOW

Correspondent Address: 1130 CONNECTICUT AVENUE, NW
SUITE 1130
WASHINGTON, DC 20036

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: 91214052

Filing Date: Dec 16, 2013

Status: Pending

Status Date: Dec 16, 2013

Interlocutory Attorney: WENDY COHEN

Defendant

Name: Basic & Co. SRL

Correspondent Address: LAWRENCE E LAUBSCHER JR
LAUBSCHER & LAUBSCHER
1160 SPA ROAD, SUITE 2B

ANNAPOLIS MD , 21403
UNITED STATES

Correspondent e-mail: laubscher@laubscherlaw.com , info@laubscherlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROSILEX	Opposition Pending	79115345	
Plaintiff(s)			

Name: Evonik Degussa GmbH

Correspondent Address: SCOTT D WOLDOW
SMITH GAMBRELL & RUSSELL LLP
1055 THOMAS JEFFERSON ST NW, SUITE 400
WASHINGTON DC , 20036
UNITED STATES

Correspondent e-mail: swoldow@sgrlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROSIL	Renewed	<u>72241323</u>	<u>820944</u>
NIPPON AEROSIL	Renewed	<u>76506321</u>	<u>2821000</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 16, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 18, 2013	Jan 27, 2014
3	PENDING, INSTITUTED	Dec 18, 2013	
4	ANSWER	Jan 22, 2014	
5	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 23, 2014	
6	SUSPENDED	Jun 23, 2014	
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 22, 2014	
8	SUSPENDED	Jul 22, 2014	
9	STIP TO SUSP PEND SETTL NEGOTIATIONS	Sep 19, 2014	
10	SUSPENDED	Sep 19, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91187979

Filing Date: Dec 11, 2008

Status: Terminated

Status Date: Feb 24, 2009

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Loveland Products, Inc.

Correspondent Address: LESLIE P. KRAMER
FAEGRE & BENSON LLP
3200 WELLS FARGO CENTER, 1700 LINCOLN STREET
DENVER CO , 80203-4532
UNITED STATES

Correspondent e-mail: trademarkdnvr@faegre.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROIL	Abandoned - After Inter-Partes Decision	<u>77468688</u>	
Plaintiff(s)			

Name: Evonik Degussa GmbH

Correspondent Address: Scott D. Woldow
Smith, Gambrell & Russell, LLP
1130 Connecticut Avenue, N.W., Suite 1130
Washington DC , 20036
UNITED STATES

Correspondent e-mail: sdwoldow@sgrlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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AEROSIL	Renewed	<u>72241323</u>	<u>820944</u>
AEROSIL - INVENTED TO IMPROVE	Cancelled - Section 8	<u>76530301</u>	<u>2883859</u>
NIPPON AEROSIL	Renewed	<u>76506321</u>	<u>2821000</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 11, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 11, 2008	Jan 20, 2009
3	PENDING, INSTITUTED	Dec 11, 2008	
4	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jan 20, 2009	
5	SUSPENDED	Jan 26, 2009	
6	WITHDRAWAL OF APPLICATION	Feb 17, 2009	
7	BOARD'S DECISION: SUSTAINED	Feb 24, 2009	
8	TERMINATED	Feb 24, 2009	

Type of Proceeding: Opposition

Proceeding Number: 91183990

Filing Date: May 09, 2008

Status: Terminated

Status Date: Aug 18, 2008

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: AgriTec, Inc.

Correspondent Address: DOUGLAS K. STEPHENS
AGRITEC, INC.
100 E NASA STE 209
WEBSTER TX , 77598-5330
UNITED STATES

Correspondent e-mail: ssilbert@fulbright.com , latrademark@fulbright.com , bcobb@fulbright.com , jrawls@fulbright.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AGRISIL	Abandoned - After Inter-Partes Decision	<u>77276596</u>	

Plaintiff(s)

Name: Evonik Degussa GmbH

Correspondent Address: Scott Woldow
Smith, Gambrell & Russell, LLP
1130 Connecticut Avenue, NWSuite 1130
Washington DC , 20036
UNITED STATES

Correspondent e-mail: sdwoldow@sgrlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROSIL	Renewed	<u>72241323</u>	<u>820944</u>
NIPPON AEROSIL	Renewed	<u>76506321</u>	<u>2821000</u>
AEROSIL - INVENTED TO IMPROVE	Cancelled - Section 8	<u>76530301</u>	<u>2883859</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 09, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 09, 2008	Jun 18, 2008
3	PENDING, INSTITUTED	May 09, 2008	
4	STIPULATION FOR AN EXTENSION OF TIME	Jun 18, 2008	
5	EXTENSION OF TIME GRANTED	Jun 18, 2008	
6	WITHDRAWAL OF APPLICATION	Aug 18, 2008	
7	BOARD'S DECISION: SUSTAINED	Aug 18, 2008	
8	TERMINATED	Aug 18, 2008	



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Typed Drawing

Word Mark	AEROSIL
Goods and Services	IC 017. US 001. G & S: FINELY DIVIDED SILICA SUITABLE FOR USE AS A FILLER FOR RUBBER AND PLASTICS, AS A THICKING AGENT FOR PHARMACEUTICALS, COSMETICS, PAINTS, AND INKS, AND FOR GENERAL USE IN THE INDUSTRIAL ARTS. FIRST USE: 19430000. FIRST USE IN COMMERCE: 19650700
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	72241323
Filing Date	March 18, 1966
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 11, 1966
Registration Number	0820944
Registration Date	December 27, 1966
Owner	(REGISTRANT) DEUTSCHE GOLD- UND SILBER-SCHEIDEANSTALT VORMALS ROESSLER CORPORATION FED REP GERMANY POSTFACH 3993 FRANKFURT AM MAIN 1 FED REP GERMANY (LAST LISTED OWNER) EVONIK DEGUSSA GMBH LIMITED LIABILITY COMPANY FED REP GERMANY Rellinghauser Strasse 1-11 45128 Essen FED REP GERMANY
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	RONALD E. SHAPIRO
Type of Mark	TRADEMARK

Register PRINCIPAL
Affidavit Text SECT 15. SECTION 8(10-YR) 20070413.
Renewal 3RD RENEWAL 20070413
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

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Mark: AEROSIL

US Serial Number: 72241323
US Registration Number: 820944
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Apr. 13, 2007
Publication Date: Oct. 11, 1966
Application Filing Date: Mar. 18, 1966
Registration Date: Dec. 27, 1966

Mark Information

Mark Literal Elements: AEROSIL
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: FINELY DIVIDED SILICA SUITABLE FOR USE AS A FILLER FOR RUBBER AND PLASTICS, AS A THICKING AGENT FOR PHARMACEUTICALS, COSMETICS, PAINTS, AND INKS, AND FOR GENERAL USE IN THE INDUSTRIAL ARTS

International Class(es): 017

U.S Class(es): 001 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: 1943

Use in Commerce: Jul. 1965

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: EVONIK DEGUSSA GMBH
Owner Address: Rellinghauser Strasse 1-11
45128 Essen
GERMANY
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: GERMANY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: RONALD E. SHAPIRO

Correspondent

Correspondent RONALD E. SHAPIRO
Name/Address: MILES & STOCKBRIDGE P.C.
1751 PINNACLE DRIVE SUITE 500
MCLEAN, VIRGINIA 22102
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 12, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 12, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 19, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 12, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 10, 2007	CASE FILE IN TIGRS	
Apr. 13, 2007	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	70132
Apr. 13, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 10, 2007	ASSIGNED TO PARALEGAL	70132
Feb. 16, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Feb. 16, 2007	PAPER RECEIVED	
Dec. 27, 1986	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	
Oct. 17, 1986	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 27, 2006

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Apr. 13, 2007

Assignment Abstract Of Title Information**Summary**

Total Assignments: 5

Registrant: DEUTSCHE GOLD- UND SILBER-SCHEIDEANSTALT VORMALS ROESSLER

Assignment 1 of 5

Conveyance: CHANGE OF NAME 19800421

Reel/Frame: 0387/0263

Pages: 11

Date Recorded: Mar. 05, 1981

Supporting Documents: No Supporting Documents Available

Assignor

Name: DEUTSCHE GOLD- UND SILBER-SCHEIDEANSTALT VORMALS ROESSLER

Execution Date: Mar. 21, 1980

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: DEGUSSA AKTIENGESELLSCHAFT

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: No Assignee Address Found

Correspondent

Correspondent Name: BEVERIDGE, DE GRANDI, ET AL.

Correspondent Address: STE. 1100
1819 H ST., N. W.
WASHINGTON, DC 20006

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: MERGER

Reel/Frame: 1983/0290

Pages: 8

Date Recorded: Nov. 10, 1999

Supporting Documents: [assignment-tm-1983-0290.pdf](#)

Assignor

Name: DEGUSSA AKTIENGESELLSCHAFT

Execution Date: Jul. 29, 1999

Legal Entity Type: JOINT STOCK COMPANY

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: DEGUSSA-HULS AKTIENGESELLSCHAFT

Legal Entity Type: JOINT STOCK COMPANY

State or Country Where Organized: No Place Where Organized Found

Address: WEISSFRAUENSTRASSE 9
60311 FRANKFURT AM MAIN, GERMANY

Correspondent

Correspondent Name: SMITH, GAMBRELL & RUSSELL, LLP

Correspondent Address: HELEN HILL MINSKER
1850 M STREET, N.W. SUITE 800
WASHINGTON, D.C. 20036

Domestic Representative - Not Found

Assignment 3 of 5

Conveyance: MERGER

Reel/Frame: 2602/0684

Pages: 10

Date Recorded: Oct. 22, 2002

Supporting Documents: [assignment-tm-2602-0684.pdf](#)

Assignor

Name: DEGUSSA-HULS AG

Execution Date: Feb. 09, 2001

Legal Entity Type: JOINT STOCK COMPANY OF GERMANY

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: DEGUSSA AG

Legal Entity Type: JOINT STOCK COMPANY OF GERMANY

State or Country Where Organized: No Place Where Organized Found

Address: BENNIGSENPLATZ 1
40474 DUSSELDORF, GERMANY

Correspondent

Correspondent Name: SMITH, GAMBRELL & RUSSELL LLP

Correspondent Address: SCOTT D. WOLDOW
1850 M STREET NW
SUITE 800
WASHINGTON, DC 20036

Domestic Representative - Not Found

Assignment 4 of 5

Conveyance: CHANGE OF NAME EFFECTIVE 01022007

Reel/Frame: 3676/0080

Pages: 3

Date Recorded: Dec. 11, 2007

Supporting Documents: [assignment-tm-3676-0080.pdf](#)

Assignor

Name: DEGUSSA AG

Execution Date: Jan. 02, 2007

Legal Entity Type: JOINT STOCK COMPANY

State or Country Where Organized: GERMANY

Assignee

Name: DEGUSSA GMBH

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: GERMANY

Address: BENNIGSENPLATZ 1

DUESSELDORF, GERMANY 40474

Correspondent

Correspondent Name: SCOTT WOLDOW

Correspondent Address: 1130 CONNECTICUT AVENUE, NW
SUITE 1130
WASHINGTON, DC 20036

Domestic Representative

Domestic Representative Name: SCOTT D. WOLDOW

Domestic Representative Address: 1130 CONNECTICUT AVENUE, NW
SUITE 1130
WASHINGTON, DC 20036

Assignment 5 of 5

Conveyance: CHANGE OF NAME EFFECTIVE 09122007

Reel/Frame: 3679/0292

Pages: 3

Date Recorded: Dec. 14, 2007

Supporting Documents: assignment-tm-3679-0292.pdf

Assignor

Name: DEGUSSA GMBH

Execution Date: Sep. 12, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: GERMANY

Assignee

Name: EVONIK DEGUSSA GMBH

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: GERMANY

Address: RODENBACHER CHAUSSEE 4
HANAU, GERMANY D-63457

Correspondent

Correspondent Name: SCOTT WOLDOW

Correspondent Address: 1130 CONNECTICUT AVENUE, NW
SUITE 1130
WASHINGTON, DC 20036

Domestic Representative

Domestic Representative Name: SCOTT D. WOLDOW

Domestic Representative Address: 1130 CONNECTICUT AVENUE, NW
SUITE 1130
WASHINGTON, DC 20036

Proceedings

Summary

Number of Proceedings: 6

Type of Proceeding: Opposition

Proceeding Number: 91214052

Filing Date: Dec 16, 2013

Status: Pending

Status Date: Dec 16, 2013

Interlocutory Attorney: WENDY COHEN

Defendant

Name: Basic & Co. SRL

Correspondent Address: LAWRENCE E LAUBSCHER JR
LAUBSCHER & LAUBSCHER
1160 SPA ROAD, SUITE 2B
ANNAPOLIS MD, 21403
UNITED STATES

Correspondent e-mail: llaubscher@laubscherlaw.com , info@laubscherlaw.com

Associated marks

Mark

Application Status

Serial Number

Registration Number

AEROSILEX

Opposition Pending

79115345

Plaintiff(s)

Name: Evonik Degussa GmbH

Correspondent Address: SCOTT D WOLDOW
SMITH GAMBRELL & RUSSELL LLP

1055 THOMAS JEFFERSON ST NW, SUITE 400
WASHINGTON DC , 20036
UNITED STATES

Correspondent e-mail: swoldow@sgrlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROSIL	Renewed	<u>72241323</u>	<u>820944</u>
NIPPON AEROSIL	Renewed	<u>76506321</u>	<u>2821000</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 16, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 18, 2013	Jan 27, 2014
3	PENDING, INSTITUTED	Dec 18, 2013	
4	ANSWER	Jan 22, 2014	
5	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 23, 2014	
6	SUSPENDED	Jun 23, 2014	
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 22, 2014	
8	SUSPENDED	Jul 22, 2014	
9	STIP TO SUSP PEND SETTL NEGOTIATIONS	Sep 19, 2014	
10	SUSPENDED	Sep 19, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91208206

Filing Date: Nov 26, 2012

Status: Terminated

Status Date: Jul 01, 2013

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Xianyu Lu

Correspondent Address: XIANYU LU
ROOM 2308 31 TIANSHOU ROAD
GUANGZHOU CHINA

Correspondent e-mail: fredlixu@hotmail.com , fredxuli@yahoo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEGISIL	Abandoned - After Inter-Partes Decision	<u>85611115</u>	

Plaintiff(s)

Name: Evonik Degussa GmbH

Correspondent Address: SCOTT D WOLDOW
SMITH GAMBRELL RUSSELL LLP
1130 CONNECTICUT AVENUE NW, SUITE 1130
WASHINGTON DC , 20036
UNITED STATES

Correspondent e-mail: sdwoldow@sgrlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROSIL	Renewed	<u>72241323</u>	<u>820944</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 26, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 28, 2012	Jan 07, 2013
3	PENDING, INSTITUTED	Nov 28, 2012	
4	ANSWER	Dec 30, 2012	
5	P REQUEST FOR DISCOVERY CONFERENCE-PHONE	Feb 05, 2013	
6	BOARD'S ORDER	Feb 06, 2013	

7	RESPONSE DUE 30 DAYS (DUE DATE)	Feb 19, 2013	Mar 21, 2013
8	BD DECISION: SUSTAINED	May 14, 2013	
9	TERMINATED	Jul 01, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91187979 **Filing Date:** Dec 11, 2008
Status: Terminated **Status Date:** Feb 24, 2009

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Loveland Products, Inc.

Correspondent Address: LESLIE P. KRAMER
 FAEGRE & BENSON LLP
 3200 WELLS FARGO CENTER, 1700 LINCOLN STREET
 DENVER CO , 80203-4532
 UNITED STATES

Correspondent e-mail: trademarkdnvr@faegre.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROIL	Abandoned - After Inter-Partes Decision	<u>77468688</u>	

Plaintiff(s)

Name: Evonik Degussa GmbH

Correspondent Address: Scott D. Woldow
 Smith, Gambrell & Russell, LLP
 1130 Connecticut Avenue, N.W., Suite 1130
 Washington DC , 20036
 UNITED STATES

Correspondent e-mail: sdwoldow@sgrlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROSIL	Renewed	<u>72241323</u>	<u>820944</u>
AEROSIL - INVENTED TO IMPROVE	Cancelled - Section 8	<u>76530301</u>	<u>2883859</u>
NIPPON AEROSIL	Renewed	<u>76506321</u>	<u>2821000</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 11, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 11, 2008	Jan 20, 2009
3	PENDING, INSTITUTED	Dec 11, 2008	
4	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jan 20, 2009	
5	SUSPENDED	Jan 26, 2009	
6	WITHDRAWAL OF APPLICATION	Feb 17, 2009	
7	BOARD'S DECISION: SUSTAINED	Feb 24, 2009	
8	TERMINATED	Feb 24, 2009	

Type of Proceeding: Opposition

Proceeding Number: 91183990 **Filing Date:** May 09, 2008
Status: Terminated **Status Date:** Aug 18, 2008

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: AgriTec, Inc.

Correspondent Address: DOUGLAS K. STEPHENS
 AGRITEC, INC.
 100 E NASA STE 209
 WEBSTER TX , 77598-5330
 UNITED STATES

Correspondent e-mail: ssilbert@fulbright.com , latrademark@fulbright.com , bcobb@fulbright.com , jrawls@fulbright.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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Plaintiff(s)

Name: Evonik Degussa GmbH

Correspondent Address: Scott Woldow
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1130 Connecticut Avenue, NWSuite 1130
Washington DC , 20036
UNITED STATES

Correspondent e-mail: sdwoldow@sgrlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROSIL	Renewed	<u>72241323</u>	<u>820944</u>
NIPPON AEROSIL	Renewed	<u>76506321</u>	<u>2821000</u>
AEROSIL - INVENTED TO IMPROVE	Cancelled - Section 8	<u>76530301</u>	<u>2883859</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 09, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 09, 2008	Jun 18, 2008
3	PENDING, INSTITUTED	May 09, 2008	
4	STIPULATION FOR AN EXTENSION OF TIME	Jun 18, 2008	
5	EXTENSION OF TIME GRANTED	Jun 18, 2008	
6	WITHDRAWAL OF APPLICATION	Aug 18, 2008	
7	BOARD'S DECISION: SUSTAINED	Aug 18, 2008	
8	TERMINATED	Aug 18, 2008	

Type of Proceeding: Opposition

Proceeding Number: 91181436

Filing Date: Dec 19, 2007

Status: Terminated

Status Date: Aug 30, 2008

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: ORISIL, Ltd.

Correspondent Address: Marina E. Volin
CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOV, LTD., 11th Floor-7 Penn Center, 1635 Market Street
Philadelphia PA , 19103-2212
UNITED STATES

Correspondent e-mail: sal@crbcp.com , trademarks@crbcp.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ORISIL	Abandoned - After Inter-Partes Decision	<u>79034259</u>	

Plaintiff(s)

Name: Evonik Degussa GmbH

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1130 Connecticut Avenue, NW, Suite 1130
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UNITED STATES

Correspondent e-mail: sdwoldow@sgrlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROSIL	Renewed	<u>72241323</u>	<u>820944</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 19, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2007	Jan 30, 2008

3	PENDING, INSTITUTED	Dec 21, 2007
4	NOTICE OF DEFAULT	Feb 27, 2008
5	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Mar 12, 2008
6	D'S RESPONSE TO BOARD ORDER/INQUIRY	Mar 12, 2008
7	TRIAL DATES RESET	May 19, 2008
8	STIPULATION FOR AN EXTENSION OF TIME	Jun 13, 2008
9	EXTENSION OF TIME GRANTED	Jun 13, 2008
10	WITHDRAWAL OF APPLICATION	Aug 15, 2008
11	BOARD'S DECISION: SUSTAINED	Aug 30, 2008
12	TERMINATED	Aug 30, 2008

Type of Proceeding: Opposition

Proceeding Number: 91088224

Filing Date: Jul 13, 1992

Status: Terminated

Status Date: Jul 21, 1994

Interlocutory Attorney: GERARD F ROGERS

Defendant

Name: BENEZOLANA DE SILICATOS C.A.

Correspondent Address: STEPHEN L. BAKER
BAKER & FRIEDMAN
SUITE 1500 220 FIFTH AVENUE
NEW YORK NY , 10001
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
AGROSIL	Abandoned - After Inter-Partes Decision	74103834	

Plaintiff(s)

Name: DEGUSSA AKTIENGESELLSCHAFT AND

Correspondent Address: ROBERT G. WEILACHER
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WASHINGTON DC , 20036
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Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROSIL	Renewed	72241323	820944

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 13, 1992	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	Sep 01, 1992	Oct 11, 1992
3	PENDING, INSTITUTED	Sep 01, 1992	
4	ANSWER	Oct 13, 1992	
5	TRIAL DATES SET	Nov 09, 1992	
6	CORRECTED ANSWER	Oct 20, 1992	
7	STIPULATION FOR AN EXTENSION OF TIME	Jan 25, 1993	
8	D'S MOTION FOR AN EXTENSION OF TIME	Feb 22, 1993	
9	P'S MOTION FOR AN EXTENSION OF TIME	Feb 23, 1993	
10	P'S MOTION FOR AN EXTENSION OF TIME	Mar 29, 1993	
11	D'S MOTION FOR AN EXTENSION OF TIME	Apr 01, 1993	
12	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	May 28, 1993	
13	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jul 06, 1993	
14	PLS REQUEST FOR CORRECTION OF EXTENSION	Aug 05, 1993	
15	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 09, 1993	
16	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 09, 1993	
17	P'S MOTION FOR SUMMARY JUDGMENT	Nov 24, 1993	

18	PL'S MOT TO TREAT #18 AS CONCEDED	Feb 08, 1994
19	PL MOT FOR SJ GRANTED DUE TO DEF FAILURE TO CONTEST MOTION;	Mar 08, 1994
20	BOARD'S DECISION: SUSTAINED	Mar 08, 1994
21	TERMINATED	Jul 21, 1994

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 86/124715
Published: June 3, 2014

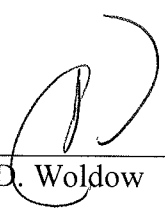
Evonik Degussa GmbH)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Jios Aerogel Limited)	
)	
Applicant.)	

CERTIFICATE OF SERVICE

I, Scott D. Woldow, counsel for Evonik Degussa GmbH, do hereby certify that the
NOTICE OF OPPOSITION was served upon applicant by placing a copy of same in the U.S.
mail, postage prepaid, addressed as follows:

VICTOR T. FU
LKP GLOBAL LAW, LLP
STE 480
1901 AVENUE OF THE STARS
LOS ANGELES, CALIFORNIA 90067

This 30th day of September, 2014



Scott D. Woldow